

REMARKS

I. Status of the Claims

Claims 1, 2, 4, 11, 13, 14, 22, 24 and 26 are all the claims pending in the application. Claims 4 and 22 are allowed. Claims 1, 2, 11, 13, 14, 24 and 26 are rejected.

II. Amendments to the Claims

Claims 1, 11, 24, and 26 have been amended in the present Amendment.

Claims 1 and 11 have been amended to recite hybridization conditions of “5X SSC, 1% blocking agent, 0.1% N-lauroylsarcosine sodium, 0.02% SDS, and 68°C, overnight.” Support for this amendment can be found at page 70 of the specification.

Claims 24 and 26 have been rewritten in independent form so that they no longer depend from claims 1 and 11, respectively.

III. Claim Rejections Under 35 U.S.C. § 112, Second Paragraph - Indefiniteness

At page 2 of the Office Action, claims 24 and 26 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

In particular, the Examiner stated that there is insufficient antecedent basis for the recitation of *Rhizopus oryzae*, *Talaromyces emersonii*, *Mortierella vinacea*, *Cryptococcus albidus*, and *Microbacterium arborescens*.

Claims 24 and 26 have been redrafted in independent form, so that they no longer depend from claims 1 and 11.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

IV. Claim Rejections Under 35 U.S.C. § 112, First Paragraph - Written Description

A. New Matter

At page 3, paragraph 7 of the Office Action, claims 1, 2, 11, 13, 14, 24 and 26 were rejected under 35 U.S.C. § 112, first paragraph, as containing new matter and thus failing to comply with the written description requirement.

Specifically, the Examiner stated that the highly stringent hybridization conditions recited in claims 1 and 11 (5X SSC, 0.02% SDS, and 68°C) are new matter, as these hybridization conditions are not supported by the specification. The Examiner asserted that support can be found for hybridization conditions of 5X SSC, 1% blocking agent, 0.1% N-lauroylsarcosine sodium, 0.02% SDS, and 68°C, overnight.

Claims 1 and 11 have been amended to recite hybridization conditions of “5X SSC, 1% blocking agent, 0.1% N-lauroylsarcosine sodium, 0.02% SDS, and 68°C, overnight,” as required by the Examiner.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this aspect of the written description rejection.

B. Scope of Claimed Genus

At page 3, paragraph 8 of the Office Action, claims 1, 2, 11, 13, 14, 24, and 26 were rejected under 35 U.S.C. § 112, first paragraph, for failure to comply with the written description requirement.

Specifically, the Examiner stated that the specification discloses only a single representative species, SEQ ID NO: 8, of the genus claimed. The Examiner concluded that the specification does not describe the common structural characteristics that distinguish a subgenus of “naturally-occurring” polypeptides from the broader genus of naturally-occurring and non-naturally-occurring polypeptides having the recited characteristics.

Applicants respectfully traverse this aspect of the written description rejection, and submit that the claimed polypeptides are adequately described in the specification, for at least the reasons set forth in the Declaration Under 37 C.F.R. § 1.132 of Mr Tsuruhami, submitted herewith.

As noted in the Declaration, because the highly stringent hybridization conditions yield structurally similar DNAs, a person of ordinary skill in the art would not expect to find substantial structural variation between the naturally-occurring diglycosidase enzyme of *Aspergillus fumigatus* and the naturally-occurring enzymes within the scope of the claims. In addition, numerous representative polypeptides within the scope of the claims have been isolated and characterized by the present inventors (see Table 6 on page 45 of the specification).

Accordingly, a representative number of species is disclosed, since highly stringent hybridization conditions in combination with the coding function of DNA and the level of

skill and knowledge in the art are adequate to determine that Applicants were in possession of the claimed invention (see Example 9 of the PTO's Written Description Guidelines).

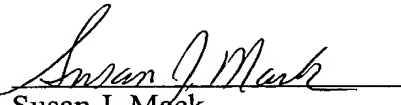
Applicants respectfully request reconsideration and withdrawal of this aspect of the written description rejection.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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